

REMARKS

Replacement drawing figures are submitted for Figures 1-17. The drawing figures replace Figures 1-20 previously submitted such that Figures 18-20 are deleted. The replacement drawings are believed to address the drawing objections noted in the Official Action.

The deletion of Figures 18-20 is believed to address the specification objection noted in the Official Action.

Claims 70-209 are pending in the application. Applicants would like to thank the Examiner for indicating that claims 100-209 are allowed and that claims 72, 74-78, 80, 81, 83-86 and 95-98 are allowable. In reliance thereon, claim 72 is rewritten in independent form.

Claims 172 is amended to address the claim objection noted in the Official Action.

Claims 73-75, 78 and 99 are amended to address the 35 USC §112, second paragraph rejections noted in the Official Action.

Claims 70, 71, 79, 82, 91 and 168 are rejected as anticipated by LOO et al. 6,046,659. This rejection is respectfully traversed.

Claim 70 is amended and includes an electrical insulator between a beam and an intermediate electrode and extending so as to face a gap.

AMENDMENTS TO THE DRAWINGS:

Originally-filed drawing Figures 1-20 are replaced with new drawing Figures 1-17. New Figures 1A and 1B are labeled "PRIOR ART". The replacement drawing for Figure 2A includes sectional cut A-A'. Figures 18, 19 and 20 are deleted.

Figure 7A of LOO et al., noted in the Official Action, shows an armature 16 and a conducting line 28. In this embodiment of LOO et al., there is no insulating layer. In the embodiment of Figure 4 of LOO et al., there is a dielectrical structural layer 26. However, this dielectrical structural layer is not between the beam and the intermediate electrode, but is outside of conducting transmission line 28 (intermediate electrode).

As the reference does not disclose that which is recited, the anticipation rejection is not viable. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 87-90 and 92 are rejected as unpatentable over LOO et al. in view of SEKI 6,486,425. This rejection is respectfully traversed.

Based on the U.S. filing date of SEKI and the prior publication date of SEKI, it appears that SEKI is only available under 35 USC §102(e). The earliest §102(e) date of SEKI is its March 30, 2001 U.S. filing date. Applicants claim priority to Japanese Patent Application No. 10-365690 filed on December 22, 1998, which antedates SEKI's earliest §102(e) date.

Applicants submit herewith a verified English translation of the Japanese priority document to perfect the claim to priority and remove SEKI as a prior art reference.

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Accordingly, the above rejection including ~~SEAL~~ cannot be maintained.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

Please charge the fee of \$88 for the extra independent claim added herewith, to Deposit Account No. 25-0120.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following items:

- Replacement Sheets for Figures 1-17 of the drawings
- a verified English translation of Japanese Application No.
10/365690